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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,834	09/30/2003	Rene Bitsch	M61.12-0531	4476

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EXAMINER

LY, ANH

ART UNIT PAPER NUMBER

2162

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/674,834	Applicant(s) BITSCH ET AL.	
	Examiner Anh Ly	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 21-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-40 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>03/06/2007</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/18/06 & 2/13/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is response to Applicants' Communications filed on 09/30/2003.

Election/Restrictions

2. During a telephone conversation with Mr. Christopher L. Holt (Reg. No.: 45,844) on TUE. 03/06/2007 a provisional election was made without traverse to prosecute the invention of query processing, claims 1-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 21-40 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Claims 1-20 are pending in this Application.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "indicative of how the new label is used" does not support in the description of the applications' specification. Applicant is

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advised to amend the claim to clarify it and for their intended use in order to one of ordinary skill in the art to make use the invention as claimed. Applicant is reminded that no new subject matter should be added.

6. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Because the **"negative limitation"** in line 2 of claim 16, "the selected label is NOT same as the category ..." is not support in the instant specification. Any claim containing a negative limitation **must** have basis in the original disclosure. (MPEP 2173.05 (i). Applicant is advised to amend the claim to clarify it and for their intended use in order to one of ordinary skill in the art to make use the invention as claimed. Applicant is reminded that no new subject matter should be added.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 1, 2, 5, 7, 10, 11, 17 are recited the limitations "the user" in 7 of claim 1; "text in line 3 of claim 2; "a new object" in lines 1-2 of claim 5; "an interface" in line 2 of claim 6; "a description includes ... and a description" in lines 2-3 of claim 7; "a label text database" in line 4 of claim 10; "text" in line 2 of claim 11; "at least a portion of the desired text"; in lines 5 of claim 11 and "an indication of how ... is used" in lines 6-7 of

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claim 11; and "a label text database" in lines 3-4 of claim 17. There is insufficient antecedent basis for this limitation in the claim.

9. Claims 16, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Because the limitations starting with "If" is incomplete statement.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub. No.: US 2004/0128272 A1 of Salomon et al. (hereinafter Salomon).

With respect to claim 1, Salomon teaches a method of creating a new label in a business integration system (using GUI to generate a label for business environment such as material and stocked: fig. 4 and sections 0047-0048; also fig. 1, section 0023) comprising the steps of:

receiving data at an interface indicative of how the new label is used (receiving label data as description of label for a kind of product or material: sections 0008-0009; also fig. 1 and section 0023);

searching a label database for text matching a desired text (retrieving labels from a file or database stored in memory by matching the text to the type of label: sections 0011 and 0025; also see fig. 2); and

returning to the user a list of matches found in the label database (returning a list of found matched label as a labeling tree as shown in figs 2 (item 210) and 3; section 0036).

With respect to claim 2, Salomon teaches including the steps selecting one of the matches as text for the new label (selecting the appropriate label: sections 0011, 0024 and 0032).

With respect to claim 4, Salomon teaches creating a new object in the label database for the new label (figs. 1 and 2).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 3, 5-10 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2004/0128272 A1 of Salomon et al. (hereinafter Salomon) in view of Pub. No.: US 2003/0004946 A1 of VanDenAvond et al. (VanDenAvond).

With respect to claim 3, Salomon teaches a method of creating a new label in a business integration system as discussed in claim 1.

Salomon teaches creating a new label in business environment, searching the label with text or description against a database consisting of a plurality of labels stored in the memory of the integrating label system. Salomon does not clearly teach receiving at least a portion of the desired text.

However, VanDenAvond teaches portion of label to be received (section 0071):

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Salomon with the teachings of VanDenAvond. One having ordinary skill in the art would have found it motivated to utilize the use of creating and maintaining label record and setting the publication status of the label record as disclosed (VanDenAvond's sections 0002 and

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0005), into the system of Salomon for the purpose of ensuring compliance with label regulations across all of the products, thereby, being a significant challenge for an organization and eliminating redundancies and inefficiencies processes (VanDenAvond's sections 0003 and 0009).

With respect to claims 5-6 and 10, Salomon teaches a method of creating a new label in a business integration system as discussed in claim 1.

Salomon teaches creating a new label in business environment, searching the label with text or description against a database consisting of a plurality of labels stored in the memory of the integrating label system. Salomon does not clearly teach assigning a GUID for the new label; and receiving a category code for the new label and storing versions of the text for the label in a record in a label text database.

However, VanDenAvond teaches a unique template ID is automatically assigned by system and UPC code for each label and categories (sections 0052, 0056-0059 and figs. 4 and 5; also sections 0026 and 0044) and storing the version of text label data in the system (section 0074).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Salomon with the teachings of VanDenAvond. One having ordinary skill in the art would have found it motivated to utilize the use of creating and maintaining label record and setting the publication status of the label record as disclosed (VanDenAvond's sections 0002 and 0005), into the system of Salomon for the purpose of ensuring compliance with label regulations across all of the products, thereby, being a significant challenge for an

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organization and eliminating redundancies and inefficiencies processes

(VanDenAvond's sections 0003, and 0009).

With respect to claim 7, Salomon teaches wherein receiving a description includes receiving a namespace and a description (text description for a label and name of type label: sections 008, 0010, 0022, 0036 and 0049).

With respect to claim 8, Salomon teaches receiving an indication of an original language in which the new label is written (written in local /native or original language: sections 0022 and 0054).

With respect to claim 9, Salomon teaches storing the new label in the label database (storing label in a memory: section 0027).

With respect to claims 11 and 13, Salomon teaches a method of creating a new label in a business integration system as discussed in claim 1. Also, Salomon teaches selecting records and identifying selected label record of how the selected record is used (receiving label data as description of label for a kind of product or material: sections 0008-0009; also fig. 1 and section 0023; and selecting the appropriate label: sections 0011, 0024 and 0032).

Salomon teaches creating a new label in business environment, searching the label with text or description against a database consisting of a plurality of labels stored in the memory of the integrating label system. Salomon does not clearly teach comparing the indicated use of the selected records with the indicated use of the new label, and ordering the selected records based on a match with the desired text and

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indicated use of the new label, and ordering the list of matches where the matches having a closest match to the desired text are displayed first.

However, VanDenAvond teaches placing order or request to a label (sections 0028 and 0063); comparing the selected label record (section 0074).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Salomon with the teachings of VanDenAvond. One having ordinary skill in the art would have found it motivated to utilize the use of creating and maintaining label record and setting the publication status of the label record as disclosed (VanDenAvond's sections 0002 and 0005), into the system of Salomon for the purpose of ensuring compliance with label regulations across all of the products, thereby, being a significant challenge for an organization and eliminating redundancies and inefficiencies processes (VanDenAvond's sections 0003 and 0009).

With respect to claim 12, Salomon teaches displaying the list of matches on the user interface (presenting the result of label as a labeling tree; section 0034).

With respect to claims 14-15, Salomon teaches a method of creating a new label in a business integration system as discussed in claim 1. Also, Salomon teaches selecting records and identifying selected label record of how the selected record is used (selecting the appropriate label: sections 0011, 0024 and 0032).

Salomon teaches creating a new label in business environment, searching the label with text or description against a database consisting of a plurality of labels stored in the memory of the integrating label system. Salomon does not clearly teach receiving

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an indication that one record in the list of matches is a desired entry, and comparing the category of the selected label against the category of the label.

However, VanDenAvond teaches comparing the selected label record (section 0074) and a unique template ID is automatically assigned by system and comparing categories (sections 0052, 0056-0059 and figs. 4 and 5; also sections 0026 and 0044)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Salomon with the teachings of VanDenAvond. One having ordinary skill in the art would have found it motivated to utilize the use of creating and maintaining label record and setting the publication status of the label record as disclosed (VanDenAvond's sections 0002 and 0005), into the system of Salomon for the purpose of ensuring compliance with label regulations across all of the products, thereby, being a significant challenge for an organization and eliminating redundancies and inefficiencies processes (VanDenAvond's sections 0003 and 0009).

With respect to claims 16-17, Salomon teaches a method of creating a new label in a business integration system as discussed in claim 1.

Salomon teaches creating a new label in business environment, searching the label with text or description against a database consisting of a plurality of labels stored in the memory of the integrating label system. Salomon does not clearly teach duplicating the selected label to the new label in the label database and duplicating any translations in a label text database to the record in the label text database for the new label.

However, VanDenAvond teaches maintaining duplicate label records and controlling by record ID (sections 0043) and translating available labels (section 0065).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Salomon with the teachings of VanDenAvond. One having ordinary skill in the art would have found it motivated to utilize the use of creating and maintaining label record and setting the publication status of the label record as disclosed (VanDenAvond's sections 0002 and 0005), into the system of Salomon for the purpose of ensuring compliance with label regulations across all of the products, thereby, being a significant challenge for an organization and eliminating redundancies and inefficiencies processes (VanDenAvond's sections 0003 and 0009).

With respect to claims 18-20, Salomon teaches a method of creating a new label in a business integration system as discussed in claim 1.

Salomon teaches creating a new label in business environment, searching the label with text or description against a database consisting of a plurality of labels stored in the memory of the integrating label system. Salomon does not clearly teach creating an entry in the new label indicating an ID of the selected label, using the selected label for the new label entering the desired text into the new label, determining the category and description for the new label based off of a current control for the system, generating new translations for the text of the label, and receiving the new translations into the record for the label in the label text database.

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However, VanDenAvond teaches selecting and creating new label based on the ID label (section 0059); determining the category of the label (section 0044) and generating new translations for text of label (sections 0043 and 0069), entering the ID for the desired selected label (0072) and translating available labels (section 0065).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Salomon with the teachings of VanDenAvond. One having ordinary skill in the art would have found it motivated to utilize the use of creating and maintaining label record and setting the publication status of the label record as disclosed (VanDenAvond's sections 0002 and 0005), into the system of Salomon for the purpose of ensuring compliance with label regulations across all of the products, thereby, being a significant challenge for an organization and eliminating redundancies and inefficiencies processes (VanDenAvond's sections 0003 and 0009).

Conclusion

15. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 02/13/2007 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Contact Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH LY, whose telephone number is (571) 272-4039 or via e-mail: ANH.LY@USPTO.GOV (written authorization being given by Applicant(s) - **MPEP 502.03 [R-2]**) or fax to (571) 273-4039 (examiner's personal fax number).

The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Breene**, can be reached on (571) 272-4107.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: **Central Fax Center: (571) 273-8300**


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

ANH LY 
MAR. 7th, 2007